

REMARKS

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1, 6-9, 11, 12, 17-20, 22-25 are pending in the present application. Claims 1, 12, and 23 are the independent claims.

No claims have been amended by the present Request.

Claims 1, 6-9, 11, 12, 17-20, and 22-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application No. 2001/0043522 (Park) in view of U.S. Patent No. 6,584,060 (Oohchida et al.). Claims 28-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Park and Oohchida et al. in view of U.S. Patent No. 6,337,841 (Kim et al.). Claim 35 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Park and Oohchida et al. and Kim et al. in view of U.S. Patent No. 6,507,009 (Ohnishi et al.). Claim 36 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Park and Oohchida et al. and Kim et al. in view of U.S. Patent No. 5,097,462 (Tajiri et al.). Claim 37 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Park and Oohchida et al. and Kim et al. in view of Tajiri et al. All rejections are respectfully traversed.

Amended, independent claims 1, 12 and 23 continue to recite that hologram optical element focuses light emitted from a light source.

Applicants submit that none of the asserted citations, alone or in combination, teach or suggest at least the aforementioned features. Accordingly, while again not conceding the propriety of the asserted citation, it respectfully submitted that the asserted combinations are likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Office Action continues to contend that the diffraction grating 12 of Park meets the aforementioned features of claims 1, 12, and 23, and again paragraph [0033] of Park is cited for support. (Office Action, pages 2 and 8). This contention is respectfully traversed.

Firstly, Applicants note the absence of any discussion of this feature in the body of the rejection of these claims.

Secondly, paragraph [0033] of Park does not teach or suggest that the diffraction grating 12 focuses anything. Indeed, a review of that paragraph [0033] only reveals a disclosure that

“the diffraction grating 12 is selectively movable” ... such that of the 0 order and ± 1 order lights of a first laser beam ... are incident on the photo-detector 18, and that the diffraction grating 12 can be moved to allow the 0 order and ± 1 order lights of the second laser beam ... to be incident on the proper location of the photo-detector 18.” Thus, as the Office Action acknowledges, this paragraph [0033] only discloses that the diffraction grating “positions the light beam” on the photodetector. (Office Action, page 8).

The Office Action nonetheless maintains the rejection of claims 1, 12, and 23, contending, without an indication of evidence or support, that positioning a light beam “reads on focusing the emitted light.” (Office Action, page 8). This statement is of course backwards, because claims read on art, not the other way around. But, to the extent that the Office contends that positioning a light beam is the same as focusing a light beam, it is submitted that this contention is erroneous, in addition to being without basis in the record.

As is well known in the art, focusing a light beam means to, for example, cause it to converge on or toward a central point, or to concentrate it. In contrast, Park merely discusses using the diffraction element 12 to position beams of light. Thus, the Office’s interpretation of these features of claims 1, 12, and 23 is not reasonable and Park cannot anticipate at least the aforementioned claim features of claims 1, 12, and 23.

It is again submitted that the secondary citation to Oohchida et al. fails to cure the aforementioned defect in Park. Thus, even the combination of Park and Oohchida et al. fails to disclose every element of the claims, arranged as required by the claims.

Accordingly, favorable reconsideration and withdrawal of the rejection of the rejection of independent claims 1, 12, and 23 are respectfully requested.

Regarding the other rejections under 35 U.S.C. § 103, it is respectfully submitted that none of Kim et al., Ohnishi et al., Tajiri et al. add anything that would remedy the aforementioned deficiency in the combination of Park and Oohchida et al.

In view of the foregoing, Applicants respectfully submit that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.


There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 10-23-07

By: 
Michael E. Kondoudis
Registration No. 42,758

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501